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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,140

11/30/2005

Harry William Dabbs

SWIN 3356

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SMITH-HILL AND BEDELL, P.C.
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EXAMINER

NGUYEN, SON T

ART UNIT

PAPER NUMBER

3643

MAIL DATE

DELIVERY MODE

05/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,140

Applicant(s)

DABBS, HARRY

Examiner

Son T. Nguyen

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17,22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17,22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

SON T. NGUYEN
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/30/05, 2/14/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-5,8-10,13-16,22** are rejected under 35 U.S.C. 102(b) as being anticipated by Davis (GB 9927 on form PTO-1449).

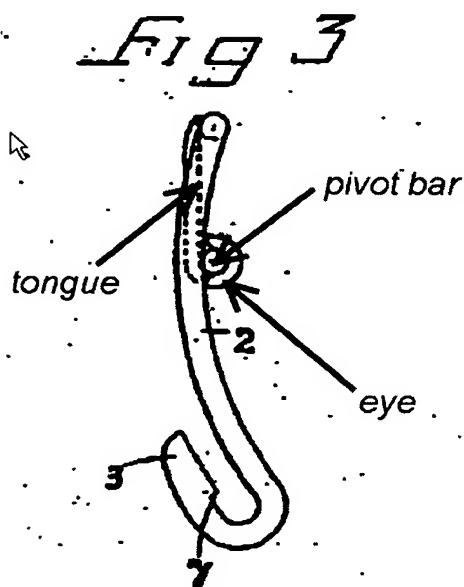
For claim 1, Davis teaches a stirrup buckle for connecting the ends of a stirrup leather 1,5 to secure the stirrup leather on a stirrup bar, the buckle comprising: a frame 2 attached, in use, to the stirrup leather at one end region thereof; a tongue (the bar that pierces through the holes in the stirrup leather) pivotally attached to the frame for penetrating the strap at the other end region thereof and thereafter to bear on the frame to retain the said other end; and wherein the frame is shaped to form a recess (the curved shape as shown in fig. 3) which is capable of at least partially receives the stirrup bar if the buckle is push close enough to the stirrup bar when in use. Note that the curved or recessed shape of the buckle of Davis will allow the buckle to at least partially receives a stirrup bar because structurally, the buckle's shape is capable of receiving a stirrup bar, keeping in mind that it also depends on the size of the stirrup bar.

For claim 2, Davis further teaches wherein the frame is curved to define the recess. See fig. 3.

For claim 3, Davis further teaches wherein the frame defines a concavity when viewed transverse to the length of the strap and in the plain of the strap. See fig. 3.

For claim 4, Davis further teaches wherein the frame is generally rectangular in form (see fig. 2), comprising side arms extending generally parallel to the strap, and connecting cross bars, at least the side arms being curved to define the recess (see fig. 3).

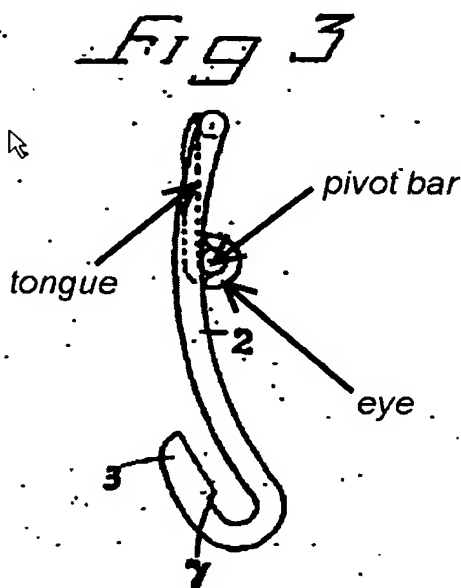
For claim 5, Davis teaches wherein the frame includes a pivot bar, the tongue having an eye through which the pivot bar extends to form the pivotal attachment (see illustration below), the tongue being sufficiently long to position the pivot bar clear of the stirrup bar, during use. Note that it depends on the size of the stirrup bar for the tongue to be considered sufficiently long, since Applicant did not specified a distance, so the tongue of Davis is sufficiently long for the intended size stirrup bar.



For claim 8, in addition to the already mentioned features taught by Davis in the above, Davis further teaches wherein the tongue is sufficiently long that the position of the pivotal attachment of the tongue is clear of the stirrup bar, during use. Note that it depends on the size of the stirrup bar for the tongue to be considered sufficiently long, since Applicant did not specify a distance, so the tongue of Davis is sufficiently long for the intended size stirrup bar.

For claim 9, see claim 1 above for explanation of the recess receiving the stirrup bar.

For claim 10, Davis further teaches wherein the frame includes a pivot bar, the tongue having an eye through which the pivot bar extends to form the pivotal attachment. See illustration below.



For claim 13, see claim 2 above for explanation of Davis' teaching.

For claim 14, see claim 3 above for explanation of Davis' teaching.

For claim 15, see claim 4 above for explanation of Davis' teaching.

For claim 16, Davis teaches a stirrup leather 1,5 which includes a stirrup buckle 2 in accordance with claim 8.

For claim 22, Davis teaches a stirrup leather 1,5 which includes a stirrup buckle 2 in accordance with claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 6,7,11,12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as applied to claims 1,5,8-10 above, and further in view of Sauvage (FR 1263033 on form PTO-1449).

Davis is silent about wherein the pivot bar is formed to define a pivot axis which is offset in the direction of the recess, relative to the centre line of the frame, wherein the pivot axis is offset sufficiently that substantially no part of the eye can project beyond the frame, in the direction away from the recess.

Sauvage teaches a buckle having a tongue 4 and a pivot bar 3 being formed to define a pivot axis which is offset in the direction of a recess (the curve), relative to the centre line of a frame 1,2,2', wherein the pivot axis is offset sufficiently that substantially no part of the eye can project beyond the frame, in the direction away from the recess. See figs. 1-2. Note that the pivot axis of Sauvage is offset sufficiently since Applicant

fails to specifically states the offset distance, so any distance, so long as no part of the eye projects beyond the frame, is sufficient. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the pivot bar of Davis being formed to define a pivot axis which is offset in the direction of a recess, relative to the centre line of a frame, wherein the pivot axis is offset sufficiently that substantially no part of the eye can project beyond the frame, in the direction away from the recess as taught by Sauvage in order to provide a stronger grip on the stirrup leather since the tongue is longer due to the offset, thus, provide a longer length to grip the stirrup leather and to prevent the leather from slipping off easily.

5. **Claims 17,23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as applied to claims 1,8 above, and further in view of Faithfull's (GB 122877 on form PTO-1449).

Although Davis does not specifically state the buckle system is used with a saddle arrangement, the saddle having at least one stirrup bar, and the arrangement including at least one stirrup leather as defined in claim 16, it is believed that the buckle system of Davis has to be employed together with a saddle arrangement. In any event, Faithfull teaches a buckle b used together with a saddle arrangement having at least one stirrup bar C and at least one stirrup leather A. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the buckle as explained in claims 16,22 by the teaching of Davis on a saddle arrangement with stirrup bar and stirrup leather as taught by Faithful, since such system is notoriously well known to be employed together for horse back riding.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is 571-272-6889. The examiner can normally be reached on Mon-Thu from 10:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/553,140
Art Unit: 3643

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A handwritten signature in black ink, appearing to read 'Son T. Nguyen'.

Son T Nguyen
Primary Examiner
AU 3643